

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

CA NO. 3:05-CV-02858-MJP

UNITED STATES OF AMERICA, ex rel.,)
MICHAEL K. DRAKEFORD, M.D.,)
)
Plaintiffs,)
)
v.)
)
)
TUOMEY d/b/a TUOMEY HEALTHCARE)
SYSTEM, INC.)
)
Defendant.)

DECLARATION OF CHRIS M. WORRALL

I, Chris M. Worrall, being over eighteen years of age and otherwise competent to testify, do depose and state as follows based upon my personal knowledge:

1. I am an employee of the Centers for Medicare & Medicaid Services (CMS). I serve as the Special Assistant to Dr. Jeffrey Kelman, Chief Medical Officer in the Center for Drug and Health Plan Choice (CPC) for CMS. My duties include drafting and securing certain data use and interagency agreements and contract oversight and direction for such agreements. In addition, my duties include acting as the project officer for the DataLink Project, pursuant to which CMS has contracted with Acumen, LLC for the provision under my direction of certain claims records and analysis to the Department of Justice (DOJ) for investigatory and litigation purposes.

EXHIBIT 3

2. In my role as the DataLink project officer, I secured the data use agreement under which CMS has granted Acumen access to Medicare and Medicaid claims and administrative data. Under the data use agreement, Acumen obtains Medicare's Common Working Files (CWF), the system of records that is used to properly pay medical insurance benefits to or on behalf of entitled Medicare beneficiaries. See, e.g. 71 Fed. Reg. 64955, 64956 (Nov. 6, 2006) (describing CWF and routine use disclosures of CWF records). The CWF feeds the National Claims History (NCH) system of records. The NCH stores all CWF processed Part A and Part B detailed claims transaction records, beginning with service year 1991. Acumen also obtains from CMS the Standard Analytical File (SAF), which contains final action data in which all adjustments have been resolved. CMS, which constructs the SAFs quarterly, obtains final action claims data for the SAF by processing NCH claims through a series of algorithms designed to match original claims with adjustment claims and resolving all adjustments. CMS collects and maintains these records and these systems of records in the regular course of its business. A subset of records contained within the CWF and SAF is patient-specific claims information submitted by hospitals across the country. Therefore, this subset of records includes patient specific claims information submitted to the Medicare program by Tuomey Hospital for services performed from January 1, 2005 to the present.

3. In my role as the DataLink project officer, I receive requests from DOJ for access to data maintained in the CMS systems of records identified in paragraph 2, above. Pursuant to that role, I received a request from DOJ for access to certain

inpatient and outpatient claims records submitted by Tuomey Hospital and specified physicians.

4. Pursuant to the above-described request from DOJ, I directed Acumen to provide to DOJ a copy of the relevant inpatient and outpatient claims records in standardized electronic format. To the best of my knowledge, Acumen fulfilled my instruction and provided a standardized electronic file to DOJ that is a true and accurate copy of the requested inpatient and outpatient claims records maintained by CMS in its systems of records.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: 1/22/10 Chris M. Worrall
Chris M. Worrall